

**REMARKS:**

In the outstanding Office Action mailed December 29, 2005, the Examiner rejected claims 1-12. The Advisory Action mailed May 4, 2006 indicated that the Remarks in the Amendment filed March 29, 2006 will be entered but are not persuasive.

Claims 1, 3, 5 and 9 are amended herein and claim 2 is cancelled herein without prejudice. No new matter is presented. Thus, claims 1 and 3-12 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. §103(a):**

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: U.S. Patent No. 5,684,955 (Meyer), U.S. Patent No. 6,438,746 (Martin) and U.S. Patent No. 5,452,461 (Umekita).

Independent claim 1, by way of example, recites, "during generating an intermediate language from said source program", "identifying a class-type variable which has a possibility to be executed in parallel", "allocating a construction and destruction instruction information region in said intermediate language of the class in addition to a region for a construction instruction routine and a region for a destruction instruction routine" and "storing information concerning said construction instruction routine and said destruction instruction routine of an object of the class into said construction and destruction instruction information region."

Independent claim 1 further recites, "generating an instruction to call said construction instruction routine before said execution statement" and "an instruction to call said destruction instruction routine after said execution statement" using "said intermediate language including said information stored in said construction and destruction instruction information region."

Independent claims 5 and 9 recite similar features.

Meyer does not disclose SX\_NEW and SX DELETE instructions are generated using protocol information file. The Examiner indicates that protocol information file is considered "an intermediate language" on page of the Advisory Action mailed May 4, 2006. However, Meyer does not teach or suggest allocating construction and destruction instruction information region in the intermediate language in addition to the construction and destruction instruction routine regions (see each independent claim 1, 5 and 9).

Martin, on the other hand, enters functional requirements on system performance criteria as comment fields in an object-oriented language, which are ignored by a conventional compiler to allow compilation of a single processor version of the program, and are interpreted by a pre-compiler to take into account system data when compiling code for host computers of the distributed system (see, col. 2, lines 25-29 and col. 9, lines 44-54).

Claims 4, 8 and 12 rejected based on a combination of Umekita with Martin and Meyer. However, in Umekita, intermediate codes of a source program are divided into tasks to form sequential relationships for sequentially distributing the tasks based on a total processing time of processors (see, FIG. 27 and corresponding text).

Dependent claims 4, 8 and 12 recite that the compiler is for "a parallel computer with shared memory." Umekita does not teach or suggest the claimed compiling method and system for generating instructions for parallel processing of a source program where the compiler is for "a parallel computer with shared memory" (claims 4, 8 and 12 including respective independent claims 1, 5 and 9).

It is submitted that the independent claims are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, claim 3 recites, "said construction and destruction instruction information region is linked from a type information region storing a construction and destruction instruction information region index", where the "type information region is linked from a class information region storing a type information region index." Claim 3 further recites that when "a class is identified, an access is performed from said class information region to said construction and destruction instruction information region via said type information region." The cited references, alone or in combination, do not teach or suggest these features of claim 3.

Therefore, withdrawal of the rejection is respectfully requested.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: *Temnit Afework*  
Temnit Afework  
Registration No. 58,202

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501